

ORDINANCE NO. 2430

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF GILBERT BY AMENDING ORDINANCES NO. 427, 617, 725, 1287, 1689, AND 1708 PERTAINING TO THE SETTLER'S POINT PLANNED AREA DEVELOPMENT BY REZONING APPROXIMATELY 14.4 ACRES OF REAL PROPERTY GENERALLY LOCATED AT CIVIC CENTER DRIVE WEST OF GILBERT ROAD, IN ZONING CASE Z12-22, FROM SHOPPING CENTER (SC) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT TO 14.4 ACRES OF MULTI-FAMILY MEDIUM (MF/M) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT; AND BY AMENDING CONDITIONS OF DEVELOPMENT AS FOLLOWS: LIMITING THE NUMBER OF DWELLING UNITS, INCREASING THE MAXIMUM HEIGHT DECREASING FRONT SETBACKS AND LANDSCAPE AREA AND DECREASING THE PERCENTAGE OF COMMON OPEN SPACE; AND RESTATING AND INCORPORATING THE PROVISIONS OF ORDINANCES NO. 427, 617, 725, 1287, 1689, AND 1708 HEREIN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR NON-SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, by adoption of this Ordinance, the Town of Gilbert Town Council desires to rezone certain parcels and amend conditions of development relating to the development of certain parcels within the Settlers Point Planned Area Development (PAD) pursuant to the Town of Gilbert Zoning Code requirements for a Planned Area Development to permit unique or mixed-use development; and

WHEREAS, the Town Council has determined that this amendment to the Zoning Map and the Planned Area Development conditions of development conforms with the Town of Gilbert General Plan, as amended any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws; and

WHEREAS, the Settler's Point PAD was created by Ordinance No. 487, and amended by Ordinance No. 617 pursuant to the provisions of the Town of Gilbert Unified Land Development Code, which was repealed February 1, 2005; and

WHEREAS, pursuant to the adoption of the Town of Gilbert Land Development Code and the Official Zoning Map, the underlying zoning classification of the portion of the Settler's Point PAD being rezoned by this Ordinance was amended to Shopping Center (SC); and

WHEREAS, that certain document entitled Exhibit O: Amended Development Plan of the Settler's Point Planned Area Development and Gilbert Town Square, dated June 6, 2013 is attached hereto and incorporated by this reference.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

1. The Official Zoning Map of the Town of Gilbert, Arizona is hereby amended by amending Ordinances No. 427, 617, 725, 1287, 1689, AND 1708, relating to the Settler's Point PAD by changing the zoning classification of real property consisting of approximately 14.4 acres located at Civic Center Drive west of Gilbert Road (the "Property"), as described in the legal description, Exhibit 1 and shown on the Zoning Exhibit (map) in Exhibit 2, both attached hereto and incorporated by reference herein, from 14.4 acres of Shopping Center (SC) zoning district with a Planned Area Development Overlay Zoning District to Multi-Family Medium (MF/M) zoning district with a Planned Area Development Overlay zoning district.

2. Ordinances No. 427, 617, 725, 1287, 1689, and 1708 relating to the Settler's Point PAD are amended by adding new Exhibit O, attached hereto and incorporated herein, and making that Exhibit part of the Development Plan for the Settler's Point PAD, as set forth in or attached to Ordinances No. 427, 617, 725, 1287, 1689, AND 1708, to read as follows:

EXHIBIT O: Amended Development Plan of the Settler's Point PAD amending the Gilbert Town Square Proposed Development Plan (Exhibit N to Ordinance No. 1708), dated June 6, 2013.

3. All dedications, development requirements and development conditions set forth in Ordinances No. 427, 617, 725, 1287, 1689, and 1708 relating to the Settler's Point PAD are incorporated herein and shall remain in full force and effect, except as amended by revising development condition II.D.26, as set forth in Ordinance No. 1287, and by adding new conditions 29 through 30 to read as follows (additions shown in ALL CAPS, deletions shown in ~~strikeout~~):

26. The zoning for the subject parcel shall be ~~P.A.D. (Planned Area Development) with the underlying zoning classification of C-2 (General Commercial)~~ MULTI-FAMILY MEDIUM DENSITY (MF/M) WITH A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT as shown on the Zoning Exhibit Site Plan for the Gilbert Town Square

Phase 1, EXCEPT AS PROVIDED IN PARAGRAPH 1, ABOVE. Said project shall be developed in conformance with the Town's zoning requirements for said districts, except as modified by these Conditions, and the applicable conditions of the original ordinance No. 427 as amended by ordinance No. 617, 725, 1287, 1689, and 1708.

* * *

29. THE MAXIMUM NUMBER OF MULTI-FAMILY DWELLING UNITS SHALL BE THREE HUNDRED SEVEN (307).
30. THE MULTI-FAMILY PROPERTY SHALL BE DEVELOPED IN CONFORMANCE WITH GILBERT'S ZONING REQUIREMENTS FOR THE MULTI-FAMILY/MEDIUM (MF/M) ZONING DISTRICTS AND ALL DEVELOPMENT SHALL COMPLY WITH THE TOWN OF GILBERT LAND DEVELOPMENT CODE, EXCEPT AS MODIFIED BY THE FOLLOWING:

DEVELOPMENT STANDARD	MF/M PAD
MAXIMUM HEIGHT	46 FT.
MINIMUM PERIMETER BUILDING SETBACK – FRONT	20 FT.
MINIMUM PERIMETER LANDSCAPE AREA – FRONT	12 FEET IN DEPTH
MINIMUM COMMON OPEN SPACE	34% OF NET SITE

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Non-Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and shall have no force or effect.

Section IV. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 5.1205 and 5.1206 of the

Gilbert Land Development Code. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Zoning Code or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 6th day of June, 2013, by the following vote:

AYES: COOK, COOPER, DANIELS, LEWIS, PETERSEN, RAY, TAYLOR

NAYES: NONE ABSENT: NONE

EXCUSED: NONE ABSTAINED: NONE

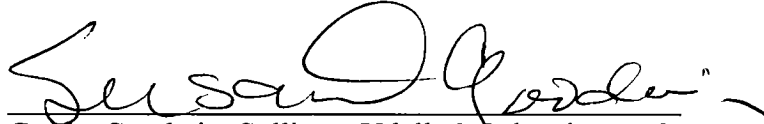
APPROVED this 6th day of June, 2013.


John W. Lewis, Mayor

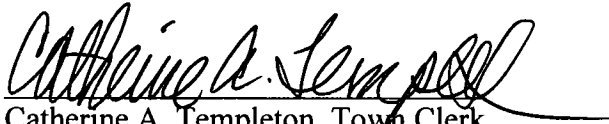
ATTEST:

Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:

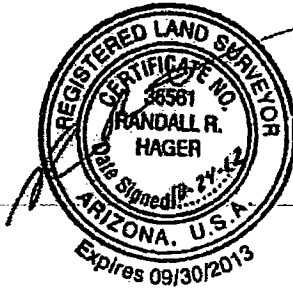

Curtis, Goodwin, Sullivan, Udall, & Schwab, P.L.C.
Town Attorneys
By SUSAN D. GOODWIN

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2430 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 6th DAY OF June, 2013, WAS POSTED IN FOUR PLACES ON THE 13th DAY OF June, 2013.


Catherine A. Templeton, Town Clerk

The following exhibits are attached hereto and incorporated herein:

1. Legal Description
2. Zoning Exhibit (Map)
3. Exhibit O to the Amended Development Plan of the Settler's Point PAD, dated June 6, 2013



LEGAL DESCRIPTION

11.29 ACRE PARCEL

GILBERT TOWN CENTER – WAL-MART PARCEL

A PARCEL OF LAND BEING A PART OF LOT 6D OF THE RE-PLAT OF LOT 6C OF "GILBERT TOWN SQUARE LOT 6, LOT SPLIT" AS SHOWN ON PLAT BOOK 811 AT PAGE 22 WITH RECORDING NO. 2006-0186978, RECORDS OF MARICOPA COUNTY, ARIZONA, AND SAID PARCEL BEING A PART OF TRACT C OF THE FINAL PLAT FOR GILBERT TOWN SQUARE AS SHOWN IN PLAT BOOK 565 AT PAGE 02 WITH RECORDING NO. 2001-0511756, RECORDS OF MARICOPA COUNTY, ARIZONA, SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER MERIDIAN, TOWN OF GILBERT, COUNTY OF MARICOPA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 6B OF THE RE-PLAT OF LOT 6C OF "GILBERT TOWN SQUARE LOT 6, LOT SPLIT" AS SHOWN ON PLAT BOOK 670 AT PAGE 41 WITH RECORDING NO. 2004-0146110, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 00 DEGREES 26 MINUTES 36 SECONDS EAST, ALONG THE COMMON BOUNDARY LINE OF SAID LOT 6D AND SAID LOT 6B A DISTANCE OF 254.39 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF TRACT A AS SHOWN ON SAID FINAL PLAT OF GILBERT TOWN SQUARE, SAID COURSE BEING THE BASIS OF BEARING HEREOF;

THENCE DEPARTING SAID COMMON BOUNDARY LINE OF SAID LOT 6D AND SAID LOT 6B AND ALONG SAID NORTHERLY BOUNDARY OF SAID TRACT A THE FOLLOWING FOUR (4) COURSES,

1) THENCE NORTH 82 DEGREES 44 MINUTES 21 SECONDS WEST A DISTANCE OF 38.49 FEET TO A POINT OF TANGENT CURVE;

2) THENCE 34.26 FEET ALONG SAID TANGENT CURVE TO THE LEFT CONCAVING SOUTHERLY HAVING A RADIUS OF 514.00 FEET, A CENTRAL ANGLE OF 38 DEGREES 02 MINUTES 24 SECONDS SUBTENDING CHORD BEARING SOUTH 78 DEGREES 14 MINUTES 27 SECONDS WEST AND A CHORD DISTANCE OF 335.02 FEET TO A POINT OF TANGENCY;

3) THENCE SOUTH 59 DEGREES 13 MINUTES 15 SECONDS WEST A DISTANCE OF 13.70 FEET TO A POINT OF NON-TANGENT CURVE;

4) THENCE 134.79 FEET ALONG SAID NON-TANGENT CURVE TO THE LEFT CONCAVING SOUTHEAST HAVING A RADIUS OF 80.00 FEET, A CENTRAL ANGLE OF 96 DEGREES 32 MINUTES 21 SECONDS SUBTENDING CHORD BEARING OF SOUTH 47 DEGREES 49 MINUTES 34 SECONDS WEST A CHORD DISTANCE OF 119.41 FEET TO THE NORTHEAST CORNER OF LOT 5 OF SAID FINAL PLAT OF GILBERT TOWN SQUARE;

THENCE SOUTH 89 DEGREES 33 MINUTES 24 SECONDS WEST ALONG THE BOUNDARY LINE COMMON TO SAID LOT 5 AND SAID LOT 6D A DISTANCE OF 94.07 FEET;

THENCE NORTH 18 DEGREES 51 MINUTES 23 SECONDS WEST DEPARTING SAID COMMON BOUNDARY LINE A DISTANCE OF 110.40 FEET;

THENCE NORTH 01 DEGREES 18 MINUTES 37 SECONDS EAST A DISTANCE OF 166.45 FEET;

THENCE NORTH 11 DEGREES 05 MINUTES 52 SECONDS WEST A DISTANCE OF 8.99 FEET;

THENCE NORTH 26 DEGREES 59 MINUTES 33 SECONDS WEST A DISTANCE OF 221.59 FEET TO A POINT ON THE COMMON BOUNDARY LINE OF SAID LOT 6D AND SAID TRACT C;

THENCE NORTH 26 DEGREES 59 MINUTES 33 SECONDS WEST DEPARTING SAID COMMON BOUNDARY LINE A DISTANCE OF 58.05 FEET TO A POINT ON THE COMMON BOUNDARY LINE OF SAID TRACT C AND TRACT B OF SAID FINAL PLAT OF GILBERT TOWN SQUARE;

THENCE ALONG SAID COMMON BOUNDARY LINE THE FOLLOWING FIVE (5) COURSES:

- 1) THENCE NORTH 41 DEGREES 26 MINUTES 37 SECONDS EAST-A DISTANCE OF 5.36 FEET;
- 2) THENCE NORTH 45 DEGREES 34 MINUTES 06 SECONDS EAST A DISTANCE OF 126.83 FEET;
- 3) THENCE NORTH 50 DEGREES 51 MINUTES 37 SECONDS EAST A DISTANCE OF 199.02 FEET;
- 4) THENCE NORTH 57 DEGREES 04 MINUTES 37 SECONDS EAST A DISTANCE OF 161.71 FEET;
- 5) THENCE NORTH 63 DEGREES 25 MINUTES 07 SECONDS EAST A DISTANCE OF 278.10 FEET;

THENCE SOUTH 26 DEGREES 37 MINUTES 42 SECONDS EAST DEPARTING SAID COMMON BOUNDARY LINE A DISTANCE OF 87.03 FEET TO A POINT ON SAID COMMON BOUNDARY LINE OF SAID LOT 6D AND SAID TRACT C;

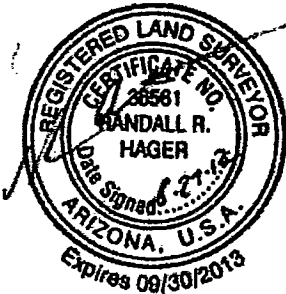
THENCE SOUTH 26 DEGREES 37 MINUTES 42 SECONDS EAST DEPARTING SAID COMMON BOUNDARY LINE A DISTANCE OF 507.27 FEET;

THENCE SOUTH 19 DEGREES 37 MINUTES 10 SECONDS WEST A DISTANCE OF 39.44 FEET TO THE NORTHERLY BOUNDARY LINE OF LOT 6B;

THENCE NORTH 85 DEGREES 02 MINUTES 54 SECONDS WEST ALONG THE NORTHERLY BOUNDARY LINE OF SAID LOT 6B A DISTANCE OF 167.61 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 491,833 SQUARE FEET OR 11.29 ACRES, MORE OR LESS





LEGAL DESCRIPTION

3.06 ACRE PARCEL

GILBERT TOWN CENTER

A PARCEL OF LAND BEING A PART OF LOT 6D OF THE RE-PLAT OF LOT 6C OF "GILBERT TOWN SQUARE LOT 6, LOT SPLIT" AS SHOWN ON PLAT BOOK 811 AT PAGE 22 WITH RECORDING NO. 2006-0166978, RECORDS OF MARICOPA COUNTY, ARIZONA, SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 5 EAST, OF THE GILA AND SALT RIVER MERIDIAN, TOWN OF GILBERT, COUNTY OF MARICOPA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6D OF THE RE-PLAT OF LOT 6C OF "GILBERT TOWN SQUARE LOT 6, LOT SPLIT, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF LOT 5 OF "FINAL PLAT FOR GILBERT TOWN SQUARE" AS SHOWN ON PLAT BOOK 565, PAGE 02, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE ALONG THE COMMON BOUNDARY LINE OF SAID LOT 6D AND TRACT "C" OF SAID "FINAL PLAT OF GILBERT TOWN SQUARE", THE FOLLOWING SEVEN (7) COURSES AND DISTANCES;

- 1) **THENCE** NORTH 20 DEGREES 00 MINUTES 03 SECONDS EAST, A DISTANCE OF 37.70 FEET TO AN ANGLE POINT;
- 2) **THENCE** SOUTH 89 DEGREES 39 MINUTES 50 SECONDS EAST, A DISTANCE OF 32.87 FEET TO AN ANGLE POINT;
- 3) **THENCE** NORTH 00 DEGREES 28 MINUTES 01 SECONDS EAST, A DISTANCE OF 17.54 FEET TO AN ANGLE POINT;
- 4) **THENCE** SOUTH 89 DEGREES 31 MINUTES 59 SECONDS EAST, A DISTANCE OF 10.00 FEET TO AN ANGLE POINT;
- 5) **THENCE** NORTH 26 DEGREES 55 MINUTES 25 SECONDS EAST, A DISTANCE OF 190.40 FEET TO AN ANGLE POINT;
- 6) **THENCE** NORTH 35 DEGREES 28 MINUTES 53 SECONDS EAST, A DISTANCE OF 191.02 FEET TO AN ANGLE POINT;

7) THENCE NORTH 48 DEGREES 49 MINUTES 28 SECONDS EAST, A DISTANCE OF 148.91 FEET TO AN ANGLE POINT;

THENCE DEPARTING SAID COMMON BOUNDARY LINE OF SAID LOT 6D AND SAID TRACT "C", SOUTH 26 DEGREES 12 MINUTES 47 SECONDS EAST, A DISTANCE OF 221.59 FEET TO AN ANGLE POINT;

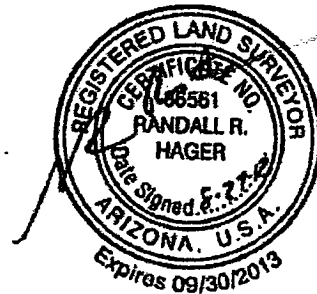
THENCE SOUTH 10 DEGREES 19 MINUTES 06 SECONDS EAST A DISTANCE OF 8.99 FEET TO AN ANGLE POINT;

THENCE SOUTH 02 DEGREES 05 MINUTES 23 SECONDS WEST, A DISTANCE OF 166.45 FEET;

THENCE SOUTH 18 DEGREES 04 MINUTES 37 SECONDS EAST, A DISTANCE OF 110.40 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 5 OF "FINAL PLAT OF GILBERT TOWN CENTER" FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 89 DEGREES 39 MINUTES 50 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 5 OF "FINAL PLAT OF GILBERT TOWN CENTER", A DISTANCE OF 492.77 FEET, TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 133,527 SQUARE FEET OR 3.06 ACRES, MORE OR LESS



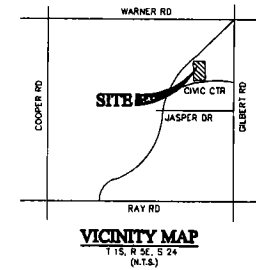
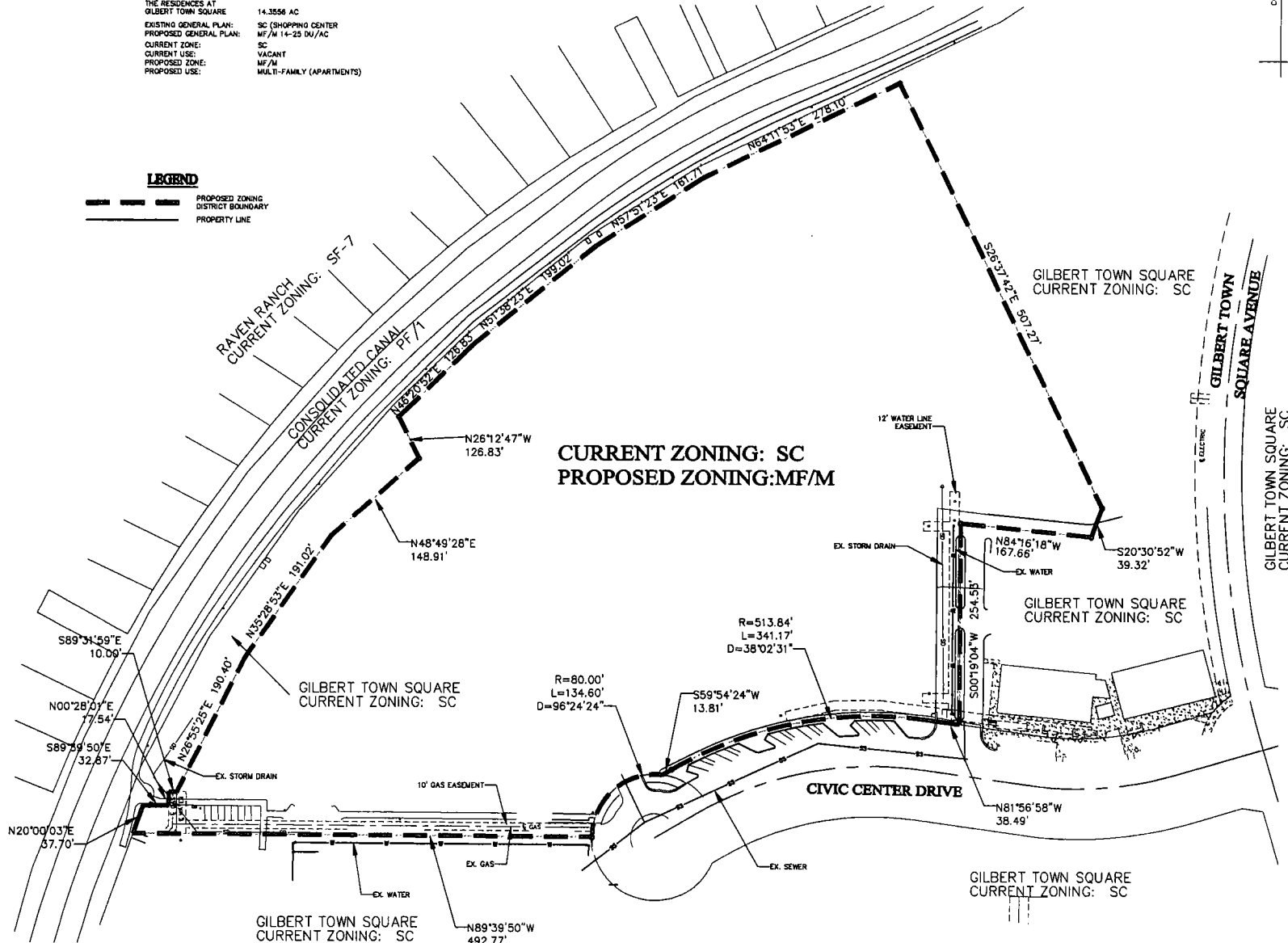
ZONING EXHIBIT THE RESIDENCES AT GILBERT TOWN SQUARE

PROJECT DATA TABLE:

GROSS AREA: THE RESIDENCES AT GILBERT TOWN SQUARE	625,331 SF 14.3856 AC
EXISTING GENERAL PLAN: PROPOSED GENERAL PLAN:	SC (SHOPPING CENTER) MF/M 14-25 DU/AC
CURRENT ZONE: CURRENT USE:	SC VACANT
PROPOSED ZONE: PROPOSED USE:	MF/M MULTI-FAMILY (APARTMENTS)

LEGEND

--- PROPOSED ZONING
--- DISTRICT BOUNDARY
--- PROPERTY LINE



DEVELOPER

WRED DTS, LLC
1401 E. VERMONT AVE.
PHOENIX, AZ 85014
CONTACT: PAUL STARK
PHONE: (480) 485-8827
EMAIL: PAULSTARKBUILDERS@GMAIL.COM

ENGINEER

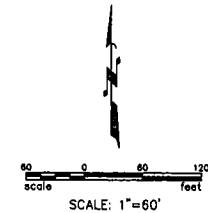
R.B. WILLIAMS & ASSOCIATES, INC.
848 W. JASPER DR.
GILBERT, AZ 85233
CONTACT: JEFFREY L. WILLIAMS, P.E.
PHONE: (480) 424-2352
FAX: (480) 424-2353
EMAIL: JEFF@RBWILLIAMS.COM

PROJECT LOCATION

WEST OF GILBERT ROAD ON CIVIC CENTER DRIVE

BASIS OF BEARING

EAST LINE OF SECTION 24 (GILBERT ROAD)
BEARING: N 00°31'01" E



R.B. WILLIAMS & ASSOCIATES, INC.
CONSULTING ENGINEERS

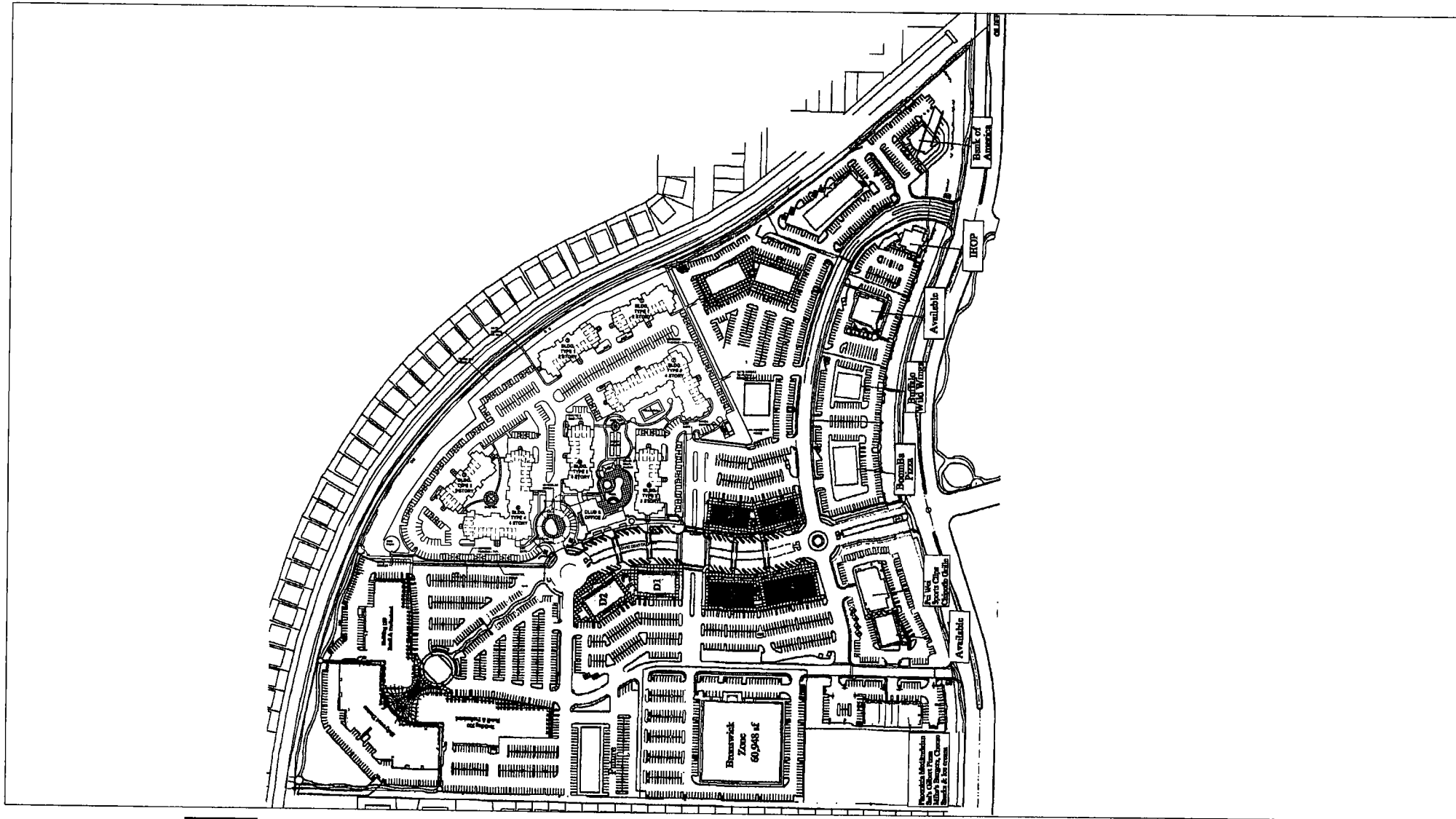
JEFFREY L. WILLIAMS, P.E.
PAUL STARK
PHONE: (480) 424-2352
FAX: (480) 424-2353

THE RESIDENCES AT
GILBERT TOWN SQUARE

ZONING
EXHIBIT

REVISIONS:	
DATE	01-28-13
DESIGN	J.L.W.
CHK'D	PCW
SUB.	
TITLE	ZONING
SHEET NO.	1/1

Case #: GP12-08 / Z12-22
Attachment 4: Zoning Ordinance
Exhibit 2 Zoning Map
June 6, 2013



5380 Village Dr., Ste. #203
Concord, NC 28027
(704) 786-2328[p]
(704) 786-2332 [f]

GILBERT TOWN SQUARE PROPOSED DEVELOPMENT PLAN

Town of Gilbert, AZ
for
MRED GTS, LLC
23 January 2013 Proj.No:12-027

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Case #: GP12-08 / Z12-22
Attachment 4: Zoning Ordinance
Exhibit 3 Development Plan
June 6, 2013

FINDINGS OF FACT
Z12-22 – THE RESIDENCES AT GILBERT TOWN SQUARE

1. The proposed zoning amendment conforms to the General Plan as amended, any applicable Specific Area Plan, neighborhood, or other plan and any overlay zoning district.
2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
4. The proposed rezoning supports the Town's strategic initiative for Community Livability. It will enhance the mixed-use elements of the Gilbert Town Square development and enhance the synergy among uses.

When recorded mail to:

**Town of Gilbert
Town Clerk
50 East Civic Center Drive
Gilbert AZ 85296**

This area reserved for County Recorder

CAPTION HEADING
Ordinance 2430

DO NOT REMOVE

Exhibits 2 and 3 were adopted with and are incorporated into Ordinance 2430 and is available for viewing in the Office of the Town Clerk, Town of Gilbert, 50 East Civic Center Drive Gilbert AZ 85296.

Exhibit 2

Zoning Exhibit (Map)

Exhibit 3

Exhibit O to the Amended Development Plan of the
Settlers Point PAD, dated June 6, 2013